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6 Attorneys for Defendant  
7 THE NORTHWESTERN MUTUAL LIFE  
INSURANCE COMPANY  
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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 JAMES CARDINAL,  
14 Plaintiff,

15 v.

16 NORTHWESTERN MUTUAL LIFE,  
17 a corporation,  
18 Defendant.

CASE NO. 5:10-CV-05573 EJD

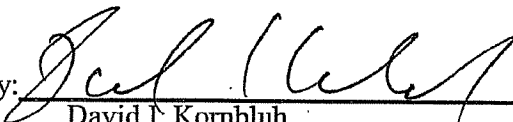
STIPULATION FOR DISMISSAL WITH  
PREJUDICE AND ~~[PROPOSED]~~  
ORDER THEREON

It is hereby stipulated by and between the parties to this action, plaintiff James Cardinal and defendant The Northwestern Mutual Life Insurance Company through their attorneys of record Miller Morton Caillat and Nevis, LLP on behalf of plaintiff James Cardinal and Wilson, Elser, Moskowitz, Edelman & Dicker LLP, on behalf of defendant The Northwestern Mutual Life Insurance Company, that the above captioned action has settled, with the parties to bear their own respective fees and costs, and the above captioned matter can be and hereby is dismissed with prejudice in its entirety pursuant to FRCP 41(a)(1).

IT IS SO STIPULATED.


Dated: September 27, 2011

MILLER MORTON CAILLAT & NEVIS, LLP

By:   
David I. Kornbluh  
Attorneys for Plaintiff  
JAMES CARDINAL

~~DATED: September~~ OCTOBER 7, 2011

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By:   
Thomas M. Herlihy  
John T. Burnite  
Attorneys for Defendant,  
THE NORTHWESTERN MUTUAL LIFE  
INSURANCE COMPANY


ORDER

Good caused appearing, the Court dismisses with prejudice the entire action, each party to bear their own fees and costs.

IT IS SO ORDERED.

The Clerk shall close this file.

Dated: October 11 2011

  
EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE

**PROOF OF SERVICE**

*James Cardinal v. Northwestern Mutual Life Insurance Company*  
 U.S.D.C., Northern District of California, San Jose Division, Case No. 5:10-CV-05573 EJD

At the time of service I was over 18 years of age and not a party to this action. I am employed by WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP. My business address is 525 Market Street, 17th Floor, San Francisco, California 94105. My business telephone number is (415) 433-0990; my business fax number is (415) 434-1370. On October 7, 2011, I served the following document(s):

**STIPULATION FOR DISMISSAL AND [PROPOSED] ORDER THEREON**

on the person or persons listed below, through their respective attorneys of record in this action, by placing true copies thereof in sealed envelopes or packages addressed as shown below by the following means of service:

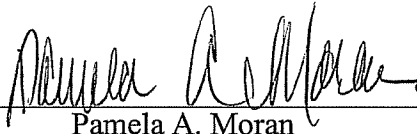
- ☒: **By United States Mail.** I placed the envelopes for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- ☐: **By Overnight Delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and address to the persons at the addresses below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- ☐: **By Messenger Service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed below and provided them to a professional messenger service for service.
- ☐: **By Fax Transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which was printed out, is attached.
- ☒: **By Electronic Service.** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below.

David J. Kronbluh, Esq.  
 Miller, Morton, Caillat & Nevis, LLP  
 25 Metro Drive, 7th Floor  
 San Jose, CA 94110  
 Telephone: (408) 282-1765  
 Facsimile: (408) 436-8272

Attorneys for Plaintiff  
 James Cardinal

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
2 true and correct to the best of my knowledge.

3 Executed October 7, 2011 at San Francisco, California.

4   
5 \_\_\_\_\_  
6 Pamela A. Moran